

NOV 03 2003

OFFICIAL

PATENT


Attorney Docket No.: VPHAR1460-2  
(071243-1301)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: *Desai et al.*  
Application No.: 09/446,783  
Confirmation No: 2878  
Filing Date: May 16, 2000  
For: NOVEL PACLITAXEL-CONTAINING  
FORMULATIONS, METHODS FOR  
PREPARATION AND METHODS FOR  
USE

Group Art Unit: 1616  
Examiner: Hartley, Michael G.

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this paper is being facsimile transmitted to  
the United States Patent and Trademark Office, Washington,  
D.C., on the date below.

Stephen E. Reiter  
Name of person mailing paper  
 November 3, 2003  
Signature Date

RECEIVED

DEC 22 2003

OFFICE OF PETITIONS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED DOMESTIC  
PRIORITY CLAIM UNDER 37 C.F.R. § 1.78(a)(3)**

Sir:

Pursuant to 37 C.F.R. §1.78(a)(3), Applicants hereby petition for acceptance of an unintentionally delayed claim for domestic priority. This application is a continuation of U.S. Provisional Application No. 60/051,021, filed 27 June 1997, now abandoned, and is a 371 of PCT/US98/13272, filed 26 June 1998, which is a continuation-in-part of U.S. Patent Application Serial No. 08/926,155, filed 9 September 1997, now U.S. Patent No. 6,096,331, which is a continuation-in-part of U.S. Patent Application Serial No. 08/720,756, filed 01 October 1996, now U.S. Patent No. 5,916,596, which is a continuation-in-part of U.S. Patent Application Serial No. 08/412,726, filed 29 March 1995, now U.S. Patent No. 5,560,933, which is a divisional of U.S. Patent Application Serial No. 08/023,698, filed 22 February 1993, now U.S. Patent No. 5,439,686. U.S. Patent No. 6,096,331 is also a continuation-in-part of U.S. Patent Application Serial No. 08/485,448, filed 07 June 1995, now U.S. Patent No. 5,665,382, which is a continuation-in-part of U.S. Patent Application Serial No. 08/200,235, filed 22 February 1994, now U.S. Patent No. 5,498,421, which is a continuation-in-part of U.S. Patent Application Serial

DLM/R243627.1

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adjustment dates 01/26/2004 SKELLEY  
11/23/2003 TSUGGS 00000001.500872 0944678  
01 FC:1454 1330.00 CR

Application No.: 09/446783  
Filing Date: May 16, 2000  
Response to Office Action mailed 07/01/2003  
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No. 08/023,698, filed 22 February 1993, now U.S. Patent No. 5,439,686, and is a continuation-in-part of U.S. Patent Application Serial No. 08/035,150, filed 26 March 1993, now U.S. Patent No. 5,362,478. The benefit of the filing date of the above-listed U.S. Patent Applications is hereby requested, and the right of priority provided in 35 U.S.C. §120 is hereby claimed.

The entire delay from the date the claim was due under 37 C.F.R. §1.78(a)(2) to the present was unintentional. An Application Data Sheet is being submitted concurrently herewith to correct the Domestic Priority Information.

This Petition is accompanied by the requisite surcharge under 37 C.F.R. §1.17(t). Please charge Deposit Account 50-0872 in the amount of \$1300.00 for the patent petition fee under 1.17(t).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872.

A duplicate copy of this paper is enclosed.

Granting of this petition is respectfully requested.

Application No.: 09/446783  
Filing Date: May 16, 2000  
Response to Office Action mailed 07/01/2003  
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Attorney Docket No.: VPHAR1460-2  
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No. 08/023,698, filed 22 February 1993, now U.S. Patent No. 5,439,686, and is a continuation-in-part of U.S. Patent Application Serial No. 08/035,150, filed 26 March 1993, now U.S. Patent No. 5,362,478. The benefit of the filing date of the above-listed U.S. Patent Applications is hereby requested, and the right of priority provided in 35 U.S.C. §120 is hereby claimed.

The entire delay from the date the claim was due under 37 C.F.R. §1.78(a)(2) to the present was unintentional. An Application Data Sheet is being submitted concurrently herewith to correct the Domestic Priority Information.

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The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872.

Granting of this petition is respectfully requested.

If there are any questions regarding the present filing, please contact the undersigned attorney at the phone number listed below.

Respectfully submitted,

Date: November 3, 2003

FOLEY & LARDNER  
Customer Number: 30542  
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By: 

Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

Enclosures: Application Data Sheet

Application No.: 09/446783  
Filing Date: May 16, 2000  
Response to Office Action mailed 07/01/2003  
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(071243-1301)

Amendments to the Specification

Please insert the following before the first line of the specification:

**RELATED APPLICATIONS**

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This application is a continuation of U.S. Provisional Application No. 60/051,021, filed 27 June 1997, now abandoned, and a 371 of PCT/US98/13272, filed 26 June 1998, which is a continuation-in-part of U.S. Patent Application Serial No. 08/926,155, filed 9 September 1997, now U.S. Patent No. 6,096,331, which is a continuation-in-part of U.S. Patent Application Serial No. 08/720,756, filed 01 October 1996, now U.S. Patent No. 5,916,596, which is a continuation-in-part of U.S. Patent Application Serial No. 08/412,726, filed 29 March 1995, now U.S. Patent No. 5,560,933, which is a divisional of U.S. Patent Application Serial No. 08/023,698, filed 22 February 1993, now U.S. Patent No. 5,439,686. U.S. Patent No. 6,096,331 is also a continuation-in-part of U.S. Patent Application Serial No. 08/485,448, filed 07 June 1995, now U.S. Patent No. 5,665,382, which is a continuation-in-part of U.S. Patent Application Serial No. 08/200,235, filed 22 February 1994, now U.S. Patent No. 5,498,421, which is a continuation-in-part of U.S. Patent Application Serial No. 08/023,698, filed 22 February 1993, now U.S. Patent No. 5,439,686, and is a continuation-in-part of U.S. Patent Application Serial No. 08/035,150, filed 26 March 1993, now U.S. Patent No. 5,362,478, the contents of each of which are hereby incorporated by reference in their entirety.

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E-Mail address: PTOMailSanDiegoNorth@Foley.com

#### Representative Information

Representative Customer Number:	30542	
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#### Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	<del>Continuation of</del>	60/051,021	06/27/1997
This Application	National Stage of	PCT/US98/13272	08/26/1998
PCT/US98/13272	Continuation-in-part of	08/926,155	09/09/1997
08/926,155	Continuation-in-part of	08/485,448	08/07/1995
08/485,448	Continuation-in-part of	08/200,235	02/22/1994
08/200,235	Continuation-in-part of	08/023,698	02/22/1993
08/200,235	Continuation-in-part of	08/035,150	03/26/1993
08/926,155	Continuation-in-part of	08/720,756	10/01/1996
08/720,756	Continuation-in-part of	08/412,726	03/29/1995
08/412,726	Division of	08/023,698	02/22/1993

#### Foreign Priority Information